

Hurworth Parish Council

Tree Policy Document 17th June 2014

This document is based on a draft consultancy report prepared by Durham County Council.

1. Background

- Trees make a significant contribution to the character of our landscape and can provide environments rich in biodiversity.
- The species, size and nature of our trees of course varies considerably, from those planted for amenity in well maintained grassed open spaces such as road verges and school grounds, through to those in relatively more natural or established settings of parks, hedgerows, cemeteries and of course woodland.
- Although trees are a very positive feature, they can sometimes cause problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner, Hurworth Parish Council (HPC) has a direct responsibility for ensuring its trees do not pose a danger to the public or property and are managed appropriately. Furthermore, HPC has a duty under the Highway Act to ensure that those trees in private ownership adjacent to the highway do not pose a danger to its users.
- The arboriculture teams have been guided by the broadly consistent practices inherited from the former Councils that healthy trees would never be removed or heavily pruned without good reason. The absence of an adopted policy does however expose the Council to risks of inconsistent responses and challenge. Such a policy would seek to balance the risk and nuisance to individuals sometimes posed by trees in specific circumstances against the public and environmental benefits they bring.

2. Inspection of Trees and Scheduling of Work

- We work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. The cycle of inspection for trees will be set according to their location and area of risk. Highway trees are considered the highest priority.
- The following categories will be used when prioritising tree works:

Priority

Response

Priority 1: Urgent Public Safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year.
Priority 3: Desirable	12 months where possible
Non- priority	No action proposed

Notes

- Non-urgent major tree work will not normally be undertaken during bird nesting / breeding season (1st March to 31st July). Any trees knowingly supporting roosting bats will not be worked on until Natural England is consulted, if works are commenced at bats present, work will cease to allow specialist advice.
- Note should be made that this work may generate service requests beyond the capacity of existing budgets to cope, however this will not be fully known until when the survey is well in hand. If budgetary pressures do emerge, these will be reported for consideration, with a view that all priority 1 and 2 are unavoidable, and would need to be undertaken, whilst trees works relating to priority 3 may need to be put on hold.

3. Dealing with Tree Care – Guidance

The following measures in the policy are in line with current practice:

- Obstructing / Overhanging Tree Branches – we will prune trees to eliminate hazards caused by obstructive branches. However we will not normally prune trees that overhang neighbouring properties unless the tree is dangerous or there is a need to avoid damage to the property. Landowners do have their own common law rights to prune back to their boundary, and we will work with them in seeking the best solutions.
- Shading and Loss of Light – in many instances pruning to improve light levels will only have limited affect. However this will be looked at on a case by case basis taking into account the proximity and size of the tree to the nearest habitable room or where elderly, infirm or disabled persons who spend a significant amount of time within their home. Work will be undertaken in these instances of genuine need.
- Loss of Views – trees will normally only be pruned or removed to restore views when necessary to retain important public viewpoints or significant public benefit, rather than work because they are considered generally too big or too tall

for their surroundings.

- Trees affecting reception (Television / Satellite / Solar Panels) - Pruning of trees to improve reception is often only a short term remedy, as the flush of growth that follows can make the future position even worse. We would therefore not normally consider the removal or pruning of trees to enable clear television reception, particularly as other technical solutions from the provider including boosters, relocation of aerial/dish are generally more effective.
- Overhead Cables / Telephone Wires – we will not normally prune or fell a tree to prevent or reduce interference with telephone wires. We will recommend contacting the telephone service provider in such circumstances.
- General / Minor Nuisances – we will not normally prune or fell trees solely to alleviate problems caused by seasonal issues e.g. falling leaves, sap, blossoms, fruit, nuts, bird and insect droppings. We will not normally prune or fell a tree solely because it bears poisonous fruit / foliage. However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

4 Alleged Damage and Tree Roots

Some tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. Guidance, as detailed in the full policy document, will be used in assessing levels of nuisance and identifying appropriate action.

5. Circumstances on Private Land

- Where the tree is causing a danger / obstruction to the Public Highway - under the Highways Act we have powers to request the owner to make safe / remove the obstruction. If they do not, we will undertake the work and recharge the owner.
- Where the tree is on private land causing a danger (other than to the public highway)- HPC has discretionary powers to deal with trees if it is felt there is an imminent threat to people or property. We can serve notice on a tree owner to carry out specified works. Where the specified works are not carried out, we do have powers to carry out the works and reclaim the costs.
- HPC is not able to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.

6. Anti-Social Behaviour, Vandalism and Disputes

- If a parish council owned tree is the focus of a nuisance leading to anti-social behaviour we will take measures to reduce the problem. These measures will be determined on a site by site basis.
- Vandalism - We will investigate any reports of damage to trees in our ownership / management, and try to repair any damage where we can. Where possible, we will take legal action against the person(s) causing the damage.
- High Hedges - Once all avenues for resolving a hedge dispute have been tried and exhausted, a complaint about a neighbour's evergreen hedge can be made to the Darlington Borough Council's (DBC) Planning Enforcement Team. A fee may be payable for this service.

7. Planning / Protected Trees (TPO) / Trees in a Conservation Area

Trees with TPO's and those within a Conservation Area fall under the direct control of DBC. In most cases a Planning Applications will be required before any work can be carried out.

- HPC will ensure that full consideration is given to both the retention of existing trees and the planting of new ones on new developments.
- A Tree Preservation Order (TPO) is a legal document to protect specified trees and woodlands with public amenity value. The policy document outlines the application process for carrying out works to protected trees and the penalties for failing to do so. It is an offence to carry out works to a tree in a Conservation Area without having given us prior written notice.
- Where a tree is protected by a Tree Preservation Order and it is dead or unsafe a tree replacement will normally be required. In other circumstances tree planting will be carried out subject to available resources.

8. Maintenance and Bio-Security

- HPC will seek to ensure that tree works are carried out to the highest standards as far as possible ensuring that pruning conserves the overall amenity value, form and shape of the tree and all tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work.

- The threat to trees from pests, pathogens or invasive species has never been greater. As a large landowner we undertake to follow best practice and specific advice which is regularly published by the Forestry Commission.